

Brunswick Planning Commission
Minutes
November 24, 2003

Commission Members Present: Chair Ed Gladstone, Vice Chair Don Krigbaum, Secretary Connie Koenig, Council Liaison Walt Stull, Wayne Dougherty, and Ellis Burruss, Alternate

Mayor & Council Present: Councilman Castle

Staff Present: City P & Z Administrator Rick Stup and County Planning Liaison Carole Larsen

Chairman Gladstone called the meeting to order at 7:00 PM

Minutes

The minutes of September 22 & 24 meetings were reviewed and approved with minor corrections to be made by Staff. (MOTION by Mr. Dougherty and seconded by Mr. Krigbaum, unanimously passed.)

Chairman

Mr. Gladstone requested all those in attendance who were going to speak on any of the cases, to rise and be sworn in. He administered the oath.

Mr. Stup was asked to provide an update on the sidewalk status from Galyn Manor to Souder Road. The briefing was presented and various Commissioners' questions were answered.

Old Business

Zoning – Platted Street Opening

DVL – Gum Springs: Request Planning Commission recommendation to open G Street, located at platted G Street and Ninth Avenue. Zoning Classification: OS, BR-SP-01-05-IP

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report. He stated that the developer of this project filed a request that the Mayor and Council conditionally accept G Street in accordance with the City's Street and Alley Acceptance Procedure for the purpose of constructing a road at the developer's expense. The Mayor and Council decision to open or not to open G Street is a discretionary one. The item was heard at the July 8, 2003 Mayor and Council meeting. The Council had concerns with the G Street intersection with Ninth Avenue and

requested Planning Commission recommendation on the issue and the application in accordance with the City's Procedure. The Planning Commission Recommendation is based on Planning Issues and the Master Plan. It is only a portion of the information needed for the Mayor and Council decision.

The request for conditional street acceptance to permit the applicant to construct G Street was heard at the July 8th Mayor and Council meeting. The procedure requires that the Planning Commission make a recommendation on the request. Since this matter was part of a Residential Site Plan and Improvement Plans, which had received conditional approval from the Commission, Staff proceeded with processing the request for Council Action. During that meeting Council had specific concerns with regard to the G Street intersection with Ninth Avenue. Based on those concerns the matter was continued. The G Street intersection issue of the Site Plan was remanded back for additional review by the Planning Commission. The specific issues are as follows:

1. Review of the Preliminary Street Profile
2. Sight distance
3. Intersection landing (Sufficient landing area.)
4. Compaction of existing fill (Council noted that the fill was placed in the platted right-of-way by the adjoining lot owners and not the City for their driveway use and aesthetics.
5. Preliminary limits of grading (Impact on adjoining properties.)
6. Approximate limit of off-site grading and number of off-site easements for construction or slopes and drainage
7. Adverse impact on existing public utilities

In addition, the Mayor and Council requested that normal notification of the hearing be placed for the residents of Ninth Avenue.

Since all of the required information had not been submitted, the agencies had not reviewed the response to the issues; the site was not properly posted, the Planning Commission continued the case in accordance with Staff Recommendation until the November 24, 2003 meeting.

Prior to November 24, all of the information, including the point-by-point response by the attorney and posting affidavit, has been submitted. The City Engineer is in agreement that the Engineer's Certification satisfies the compaction issue.

Since all of the required information has been submitted: the Site Distance Study indicates that site distance is adequate; the Agencies have no objection to the G Street issues raised by the Mayor and Council; and G Street is shown on the City's Master Plan, Staff recommends approval of proposed G Street intersection with Ninth Avenue. It is

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further recommended that Staff be directed to forward that recommendation to the Mayor and Council.

Mr. Stup answered Commission questions with regard to the request, which included compaction, construction inspection and potential problems with the opening of the street.

Applicant

Mr. David Severn, Severn, O'Connor & Kresslein, presented the case with Mr. Gary Castle, Gary Castle & Associates, stating that they agreed with the Staff Report and gave a brief background of the request.

Public Comment

Mr. Eric Launder spoke with concerns about the stormwater run off and sight distance at Ninth Avenue.

Ms. Kim Cable spoke with regard to drainage and street pattern.

Mr. Stup responded to the questions on behalf of the Commission.

Mr. Lee Smith questioned if a thru street was needed and if the use of a cul-de-sac had been explored.

Mr. Stup asked Mr. Castle to respond to the cul-de-sac question and what had previously occurred at Mayor & Council Meetings on the proposed street plan.

Rebuttal

None.

Decision

Mr. Dougherty made a motion to approve the request in accordance with Staff Recommendation; Mr. Krigbaum seconded the motion.

VOTE: Yea 5 Nay 0

New Business

Annexation

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Brylawski Property: Located north of Knoxville Road, east of Jefferson Pike, between the Dougherty property and the Enfield farm. Zoned: Agriculture (Frederick County), BR-ANNEX-03-01

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the Annexation Petition for the 15 acres +/- . He also read into the record that a letter had been received from the applicant stating that he would not be in attendance due to his distant residence, there would not be anyone representing him, and that he wanted the Commission to proceed with the hearing and recommendation.

Since this property cannot be developed on its own due to the current water and sewer capacity shortages and lack of access to the City, Staff feels that the application is premature. In addition, annexation of this parcel prior to the completion of the sewer plant expansion and evaluation of available taps from that expansion, would create the opportunity for other requests for annexation, which could potentially force the City to provide utility and infrastructure service. Therefore, Staff recommends denial of the application because it is premature. It is further recommended that the Denial Recommendation be forwarded to the Mayor and Council.

Mr. Stup answered questions with regard to the application, which included sewer capacity schedule, applicant awareness of the current situation, connection of the property to the existing City, and benefit to the City.

Applicant

None.

Public Comment

None.

Rebuttal

None.

Decision

Ms. Koenig made a motion to deny the request in accordance with Staff Recommendation; Mr. Dougherty seconded the motion.

Vote: Yea 5 Nay 0

Zoning - Site Plans – Improvement Plans

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Galyn Manor (Entrance/Landscape Plan): Located at Galyn Drive and MD Rte 464.
Zoning: PUD, BR-PUD-01-PIII-P1-LP

Mr. Krigbaum recused himself from the case.

Staff Report and Presentation

Mr. Stup presented the Staff Report for the Entrance Landscape Plan, which included some outstanding issues.

Since the outstanding issues are minor, Staff recommends approval of the Landscape Plan with the following conditions:

1. All easements be shown and labeled on the plan.
2. Staff approves alternative species and/or revised locations for tap root trees.
3. Sidewalks and paths to be labeled with material type and integration notes acceptable to Staff are placed on the plan.
4. The responsibility for damage repair to wall and other landscaping improvements for maintenance of public utilities are to be noted on the plan and acceptable to Staff.
5. Address Agency Comments.

Mr. Stup answered questions with regard to the plan. Mr. Burruss commented on the species.

Applicant

Joe McGraw, Pulte Homes, presented the applicant's case. He presented a revised plan, which had already addressed some of Staff's concerns.

Mr. McGraw answered Commissioners' questions.

Public Comment

None.

Rebuttal

None.

Decision

Mr. Dougherty made a motion to approve the plan in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

2004 Submission Schedule Policy

2004 Submission, Posting, TAC Meetings, and Resubmission of items for Planning Commission Action.

Mr. Stup presented the Planning Commission Submission Schedule for 2004 and part of 2005, which will continue the 60-Day Review Cycle Policy adopted in February 2003. Staff recommends approval of the schedule and continuing with the Policy as presented.

Public Comment

None

Decision

Mr. Krigbaum made a motion to approve the Policy as presented; Mr. Stull seconded the motion.

VOTE: Yea 5 Nay 0 (Copy of Policy attached.)

Brunswick Master Plan

Review of the Master Plan Update Process and discussion on how to proceed with 2004 update

Mr. Stup presented the following proposal:

1. Re-adopt the current Master Plan with no zoning changes, which will put the City in compliance with the State Requirements.
2. Begin the Master Plan update to coincide with the tentatively scheduled 2005 County update of the Brunswick Region, which will allow for joint hearings and meetings with the County Planning Commission and possibly make available additional support and information from the County.

Mr. Stup and Ms. Larsen answered questions by the Planning Commission.

Public Comment

None.

Decision

Mr. Dougherty made a motion to accept the Staff's Proposal and forward that recommendation to the Mayor and Council; Mr. Krigbaum seconded the motion.

VOTE: Yea 5 Nay 0

By-Laws and Procedures

Discussion of Staff draft revisions of the By-Laws and Procedures of the Brunswick Planning Commission Brunswick, Maryland originally adopted March, 1983 under the authority of Mayor and Council Resolution dated January 8, 1973, and amended April, 1998

Mr. Stup presented the Staff draft revisions to the current By-Laws and discussed some optional changes from the current By-Laws. He stated that if the Commission wished to proceed, the item would be brought on the December agenda for hearing and vote for adoption.

Mr. Stup answered commission questions, which included Staff's proposal to eliminate the term limit for Commission members, addition of Robert's Rules as basis for meeting procedure and adding language for sworn testimony.

The Commission directed that these changes be made for consideration with the revised draft.

Public Comment

None

Decision

The Commission reached consensus that the proposal as amended should move forward for review and action at the December meeting.

Public Comment

None.

Adjournment

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Edward Gladstone, Chair
Brunswick Planning Commission